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| First Named Inventor | : Hubertus E. M. Stassen | Group Art Unit: 3019 Examiner: Basia Ridley |
| Appln. No. | : 09/446,875 | |
| Filed | : March 23, 2000 | |
| Title | : METHOD OF THERMICALLY TREATING A CARBONACEOUS MATERIAL- COMPRISING AQUEOUS FLUID AND AN APPARATUS THEREFORE | |
| Docket No. | : B758.312-0001 | |

EXPRESS MAIL COVER SHEET

Mail Stop Non-Fee Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL
Express Mail No.: EV 004177374 US

Sir:

The following papers are being transmitted via **EXPRESS MAIL** to the U.S. Patent and Trademark Office on the date shown below:


1. Response (4 pages)
2. Itemized Return Receipt Postcard

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: June 30, 2003

By


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RESPONSE

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Sir:

This is in response to the Office Action mailed on May 30, 2003 in which claims 1-19 were pending. The Office Action included a restriction requirement based on an alleged lack of unity of invention. Specifically, the Office Action defined two groups:

Group I, claim(s) 1-11, drawn to a process; and
Group II, claim(s) 12-19, drawn to an apparatus.

The Office Action included the following form paragraph to support the restriction:

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the followings reasons: Group I lacks specific structural elements of the apparatus which are the special technical feature of Group II.

Other than recognizing that some claims were process claims and other claims were apparatus claims, the Office Action [did not show any analysis particular to the present claims, and specifically did not state any special technical feature of either Group I or Group II.]

As further explained below, Applicant disagrees with the Office Action characterization and respectfully traverses the restriction requirement.

Furthermore, the Office Action alleged that the application "contains claims directed to more than one species of the generic invention" and that the "species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. Applicant was instructed to elect a species from the following alleged species:-----

Species A, as shown in FIG. 1;
Species B, as shown in FIG. 2; and
Species C, as shown in FIG. 3.

Specifically, the Office Action states

"The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: all designs are mutually exclusive."

See Office Action, p. 3, ¶5. Again, [other than recognizing that different embodiments of the invention were disclosed, the Office Action shows no further analysis of the special technical features of the application.] Applicant disagrees with the Office Action characterization and respectfully traverses the species restriction requirement.

As stated in Rules 13.1 and 13.2

"13.1 *Requirement*. The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ('requirement of unity of invention').

13.2 *Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled*. Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression 'special technical features' shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art."

In the present application, there is unity of invention and a single inventive concept between the alleged groups and between the various species. In particular, the apparatuses of figures 1-3 are apparatuses for working the method of claim 1-11 according to the invention (and not other methods)

The apparatuses shown in figures 1-3 and the inventive method share a technical relationship among [the one or more the corresponding special technical features, in that the apparatuses of figures 1-3 and the inventive method all rely on an elongated tubular reactor, to be operated under high pressure, exchanging heat, and to be supplemented with additional heat to compensate for heat loss.] Therefore, the restriction requirement and the species election requirement are improper and should be withdrawn.

[The Office Action did not provide any analysis or even pointing to any features of the invention. The Examiner has failed to provide support for the alleged lack of unity of invention. Upon a proper consideration, the method and all three species of the apparatus all relate to the same technical feature, and both restriction requirements should be withdrawn.]

Applicant traverses the restriction requirement; however, the Office Action indicates that a responsive reply must include an election of an Invention and of a species. Therefore, Applicant provisionally elects Group II (claims 12-19) and Species C (as shown in figure 3). All of pending claims 1-19 being directed to a single inventive concept and the figures illustrating embodiments having unity of invention, applicant respectfully requests withdrawal of the restriction requirement and examination with respect to all of claims 1-19. Consideration and notice to that effect is respectfully requested. The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate examination of this application.

Respectfully submitted,

KINNEY & LANGE, P.A.


First Named Inventor: Hubertus E. M. Stassen

Application No.: 09/446,875

-4-

Date: June 30, 2003

By



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